

JUL 24 1997

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY
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In the Matter of)
)
Amendment of Rules and) CS Docket No. 97-98
Policies Governing Pole)
Attachments)

To: Chief, Cable Services Bureau

SUPPLEMENT TO MOTION FOR EXTENSION OF TIME

Carolina Power & Light Company, Delmarva Power & Light Company, Atlantic City Electric Company, Entergy Services, Florida Power Corporation, Pacific Gas and Electric Company, Potomac Electric Power Company, Public Service Company of Colorado, Southern Company, Georgia Power, Alabama Power, Gulf Power, Mississippi Power, Savannah Electric, Tampa Electric Company and Virginia Power, including North Carolina Power (collectively, "Electric Utilities"), by counsel, hereby supplement the Motion for Extension of Time filed on Monday, July 21, 1997, by the Electric Utilities.

The Electric Utilities requested an extension of time in light of the issuance of the decision on Friday, July 18, 1997, by the U.S. Court of Appeals for the Eighth Circuit in the matter of Iowa Utilities Board v. F.C.C., No. 96-3321, et al., wherein the Court invalidated several rules concerning pricing of interconnection services. The Electric Utilities based their request on the fact that several of the issues raised in the instant proceeding may parallel the issues decided in Iowa Utilities Board.

This Supplement seeks to draw the Commission's attention to the Order released on July 22, 1997, in Request by ALTS for Clarification of the Commission's Rules Regarding Reciprocal Compensation for Information Service Provider Traffic, CCB/CPD 97-30, DA 97-1543 ("Order"), a copy of which is attached hereto. In that proceeding, the

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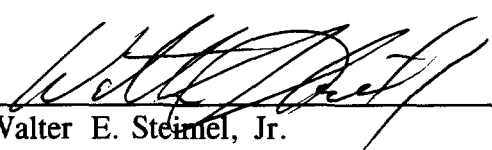
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Commission granted an extension of time to file reply comments to "allow all parties to take into the account the implications, if any, of . . . Iowa Utilities Board[" The Electric Utilities assert that the parties in the instant Pole Attachment proceeding are similarly situated with those in the ALTS proceeding. As such, a similar extension of time to consider the impact of Iowa Utilities Board should be granted in this docket as well.

Respectfully submitted,

CAROLINA POWER & LIGHT COMPANY
DELMARVA POWER & LIGHT COMPANY
ATLANTIC CITY ELECTRIC COMPANY
ENTERGY SERVICES
FLORIDA POWER CORPORATION
PACIFIC GAS AND ELECTRIC COMPANY
POTOMAC ELECTRIC POWER COMPANY
PUBLIC SERVICE COMPANY OF COLORADO
SOUTHERN COMPANY
GEORGIA POWER
ALABAMA POWER
GULF POWER
MISSISSIPPI POWER
SAVANNAH ELECTRIC
TAMPA ELECTRIC COMPANY
VIRGINIA POWER, including North Carolina Power

By: _____


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July 24, 1997

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Request by ALTS for Clarification)	File No.
of the Commission's Rules Regarding)	CCB/CPD 97-30
Reciprocal Compensation for)	
Information Service Provider Traffic)	

ORDER

Adopted: July 22, 1997; Released: July 22, 1997

By the Chief, Competitive Pricing Division, Common Carrier Bureau:

This Order addresses Petitioners' motion¹ for an extension of time to file comments responding to our July 2, 1997 Public Notice requesting comments on the Association for Local Telecommunications Services (ALTS) letter seeking expedited clarification of the Commission's rules regarding the rights of a competitive local exchange carrier (CLEC) to receive reciprocal compensation pursuant to section 251(b)(5) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (Act), for the transport and termination of traffic to CLEC subscribers that are information service providers. The notice set deadlines of July 17, 1997 for initial comments and July 24, 1997 for replies. For the reasons below, we extend the deadline for reply comments to July 31, 1997.

Petitioner argues that an extension of the reply comment deadline will allow all parties to take into account the implications, if any, of the July 18, 1997 decision of the United States Court of Appeals for the Eighth Circuit in *Iowa Utilities Board, et. al. v. FCC*² (*Iowa Utilities Board*) with respect to issues raised in this proceeding. Petitioner argues that the brief extension requested would serve the public interest by affording the Commission a more reliable and complete record upon which to render a decision in this matter and that it would not unduly prejudice the interests of any party.

The Commission may, on its own motion or on petition, waive any provision of its rules or orders if good cause is shown.³ Good cause requires findings that special

¹ Motion of Ameritech Operating Companies (Petitioner), for Extension of Reply Date (filed July 21, 1997).

² *Iowa Utils. Bd., et. al. v. FCC*, No. 96-3321 (8th Cir. filed July 18, 1997).

³ 47 C.F.R. § 1.3.

circumstances or hardships warrant deviation from the rules or orders and that such deviation would be in the public interest.⁴

We conclude that granting Petitioner's request for a one-week extension of the reply comment deadline fulfills these conditions. The *Iowa Utilities Board* decision vacated a number of sections of the Commission's rules, including sections that were referenced in ALTS's letter and several parties' initial comments. We conclude that this event, taking place less than one week before the reply comment deadline, constitutes a special circumstance. Furthermore, we conclude that the public interest would be served by allowing parties time to consider at greater length the impact of the *Iowa Utilities Board* decision as it will allow for a more reliable and complete record. At the same time, we are mindful of the concerns expressed in ALTS's letter and by parties in their initial comments regarding the need to conclude this proceeding as rapidly as possible. We conclude, however, that a one-week extension of the reply comment deadline will not unduly prejudice any party because we believe that allowing parties a brief period of time to consider in their reply comments the potential effect of the *Iowa Utilities Board* decision will allow for more efficient Commission consideration of the issues in this proceeding.

Accordingly, IT IS ORDERED, that pursuant to Sections 0.91 and 0.291 of the Commission's Rules, 47 C.F.R. §§ 0.91 and 0.291, the motion for extension of time filed by Petitioner on July 21, 1997, in this proceeding IS GRANTED.

FEDERAL COMMUNICATIONS COMMISSION


James D. Schlichting
Chief, Competitive Pricing Division
Common Carrier Bureau

⁴ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d. 1164, 1166 (D.C. Cir. 1990).